

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Appellant:)	Confirmation No. 8001
)	
LeRoux et al.)	
)	
Filed: June 13, 2000)	Art Unit: 3692
)	
Serial No.: 09/592,776)	Examiner: Graham, Clement B.
)	
)	Docket No.: 013647.00014
For: SYSTEM AND METHOD FOR)	
PAYMENT DATA PROCESSING)	

APPEAL BRIEF

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	DATA PROCESSING)	013647.00014
)	

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPELLANT'S BRIEF (37 C.F.R. 4 1.37)

This brief is in furtherance of the Final Office Action mailed October 2, 2008.

The final page of this brief bears the practitioner's signature.

I. REAL PARTY OF INTEREST (37 C.F.R. § 41.37(c)(1))

The real party in interest in this appeal is Paymentech, L.P. by virtue of an Assignment from the inventors, Lambert W. LeRoux, Russell J. Mahy, Jay S. Dollard, Chirayu G. Harshe, Michael K. Nicholls, Eric R. Bessell, Kirk T. Kotz, Gregory J. Bricker, Rosemary R. Thomas, Mark A. Lawler, Satish Menon, Michael P. Duffy, Laura C. Rogers and George J. White to Banc One Payment Services, L.L.C., recorded with the U.S. Patent and Trademark Office on June 13, 2000 at Reel 010894, Frame 0749; and an Assignment from Banc One Payment Services, L.L.C. to BOPS Holdings, L.L.C. and PTI General Partner, L.L.C., recorded with the U.S. Patent and Trademark Office on August 28, 2002 at Reel 013228, Frame 0124; and an Assignment from BOPS Holding, L.L.C. and PTI General Partner, L.L.C. to Paymentech, L.P., recorded with the U.S. Patent and Trademark Office on November 26, 2002, at Reel 013527, Frame 0847.

II. RELATED APPEALS AND INTERFERENCES (37 C.F.R. § 41.37(c)(2))

There are no such appeals or interferences.

III. STATUS OF CLAIMS (37 C.F.R. § 41.37(c)(3))

The status of the claims in this application are:

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

Claims in the application are: 20 (Claims 1-5 and 8-22)

Claims currently pending in the application: 20 pending claims

B. STATUS OF ALL THE CLAIMS

1. Claims cancelled: 6 and 7
2. Claims withdrawn from consideration but not cancelled: NONE
3. Claims pending: 1-5 and 8-22
4. Claims allowed: NONE.
5. Claims rejected: 1-20 (should have been 1-5 and 8-22)

C. CLAIMS ON APPEAL

The claims on appeal are: 1-5 and 8-22

IV. STATUS OF AMENDMENTS (37 C.F.R. § 41.37(c)(4))

The claims presently pending are those submitted with the filing of an Amendment on March 13, 2008.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER (37 C.F.R. § 41.37(c)(5))

The following summary is provided without any intention to limit the scope of the claims.

Claim 1 includes a system for processing electronic payment transaction data comprising a front-end system to receive transaction data from one or more merchants. By way of example and not by limitation, see, e.g., 202 of Figure 2 and the accompanying description at page 13, lines 14 through 23 of the specification. A back-end system to receive payment data from two or more payment systems. By way of example and not by limitation, see, e.g., 204 of Figure 2 and the accompanying description at page 14, lines 1 through 10 of the specification. Means for correlating at least one data table entry in the transaction data with at least one data table entry in the payment data. By way of example and not by limitation, structure corresponding to this means plus function limitation can be found at Figure 5 and the accompanying description at page 24, line 2 through page 26, line 25 of the specification.

Claim 10 includes a method for presenting transaction data comprising receiving transaction data generated by one or more merchants. By way of example and not by limitation, see, e.g., 502 of Figure 5 and the accompanying description at page 24, lines 8 through 14 of the specification. Receiving payment data generated by two or more payment systems. By way of example and not by limitation, see, e.g., 506 of Figure 5 and the accompanying description at page 26, lines 24 through 27 of the specification. Correlating at least one data table entry in the transaction data with at least one data table entry in the payment data. By way of example and not by limitation, see, e.g., 514 of Figure 5 and the accompanying description at page 25, line 24 through page 26, line 1 of the specification.

Claim 18 includes a system for reporting electronic payment transaction data comprising a transaction system that receives front-end transaction data from one or more merchant systems and payment data from one or more payment systems. By way of example and not by limitation, see, e.g., 102 of Figure 1 and the accompanying description at page 9, line 13 through page 10, lines 21 of the specification. A reporting system that correlates at least one data table entry in the transaction data with at least one data table entry in the payment data. By way of example and not by limitation, see, e.g., 206 of Figure 2 and the accompanying description at page 14, line 11 through page 12, line 30 of the specification.

Claim 21 includes the system of claim 1 further comprising means for receiving a report request. By way of example and not by limitation, structure corresponding to this means plus function limitation can be found at Figure 5 and the accompanying description at page 24, line 2 through page 26, line 25 of the specification.

Claim 22 includes the system of claim 1 further comprising means for generating transaction detail data. By way of example and not by limitation, structure corresponding to this means plus function limitation can be found at Figure 6 and the accompanying description at page 26, line 26 through page 29, line 4 of the specification.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL
((37 C.F.R. § 41.37(c)(6))

1. Whether claim 10 is properly rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
2. Whether claims 1-20 are properly rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,332,133 to Takayama.

VII. ARGUMENTS ((37 C.F.R. § 41.37 (c)(7))

1. **Claim 10 is improperly rejected under 35 U.S.C. 101 because the claimed invention is directed to statutory subject matter.**

During patent examination, the pending claims must be "given their broadest reasonable interpretation *consistent with the specification*." *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005) (Emphasis added). The Examiner asserts that claim 10 recites steps that are "mere abstract ideas," without specifically addressing the entirety of the claim. However, that construction is belied by the specification, which only discloses methods that are performed using electronic data processing equipment and electronic data transmission systems. As such, it is inconsistent with the specification to interpret the claims as covering "mere abstract ideas."

Furthermore, when the specific claim language is reviewed, it is apparent that the Examiner's cursory analysis that the claims are drawn to "mere abstract ideas" is untenable. Consider claim 10, which includes receiving payment data generated by two or more payment systems. As described in the specification at page 7, lines 14-32, the claimed systems can be implemented in hardware, software, or a suitable combination of hardware and software, and can be one or more software systems operating on one or more general purpose computing platforms. As such, the method of claim 10 is tied to a particular machine. Giving the limitations of claim 10 their broadest reasonable interpretation consistent with the specification, it is clear that they involve processes that utilize data processing equipment and data transmission equipment. To construe the method of claim 10 to cover "mere abstract ideas" would not only go beyond the explicit language of the claims, it would be inconsistent with the specification. The test for determining whether patentable subject matter has been claimed is not to embark upon flights of fancy and to postulate some unlikely or unrealistic manner in which the claims could be performed as a series of mental steps, but to interpret the claims, giving them their given their broadest reasonable interpretation consistent with the specification, and to determine whether a particular apparatus or system is used to perform the claimed method consistent with the specification, or whether underlying subject matter has been transformed to a different state or thing consistent with the specification. To do otherwise would render all method claims

unpatentable, as practically any claimed method can be performed mentally in the abstract. Unlike the situation in *In re Bilski*, 545 F.3d 943 (2008), where the specification only disclosed a series of mental steps and the applicant admitted that the claims were drawn to mental steps, the pending claims are drawn to methods that require, both explicitly and implicitly, the use of data processing equipment and data transmission equipment. Furthermore, it is noted that the rejection of claim 1 under 35 U.S.C. 101 in the Office action dated December 13, 2007 was withdrawn by the Examiner, and includes limitations that are drawn to a front-end system to receive transaction data from one or more merchants and a back-end system to receive payment data from two or more payment systems, which shows that such systems are acknowledged by the Examiner to constitute patentable subject matter. Accordingly, the rejection of claim 10 under 35 U.S.C. 101 should be **REVERSED**.

Although the Examiner does not state that claims 11 through 17 are also rejected under 35 U.S.C. 101, those claims are also addressed. Claim 11 includes the method of claim 10 further comprising displaying at least one data field from the transaction data table entry with at least one data field from the payment data table entry. When construed consistent with the specification, it is clear that the step of displaying is performed using a general purpose computer, such as with a video display or a printer. Accordingly, any rejection of claim 11 under 35 U.S.C. 101 should be **REVERSED**.

Claim 12 includes the method of claim 11 wherein displaying at least one data field from the transaction data table entry comprises displaying at least one transaction detail data field. When construed consistent with the specification, it is clear that the step of displaying is performed using a general purpose computer, such as with a video display or a printer. Accordingly, any rejection of claim 12 under 35 U.S.C. 101 should be **REVERSED**.

Claim 13 includes the method of claim 11 wherein displaying at least one data field from the transaction data table entry comprises displaying at least one fuel transaction data field. When construed consistent with the specification, it is clear that the step of displaying is performed using a general purpose computer, such as with a video display or a printer. Accordingly, any rejection of claim 13 under 35 U.S.C. 101 should be **REVERSED**.

Claim 14 includes the method of claim 11 wherein displaying at least one data field from the payment data table entry comprises displaying at least one payment transactions data field. When construed consistent with the specification, it is clear that the step of displaying is

performed using a general purpose computer, such as with a video display or a printer. Accordingly, any rejection of claim 14 under 35 U.S.C. 101 should be **REVERSED**.

Claim 15 includes the method of claim 11 wherein displaying at least one data field from the payment data table entry comprises displaying at least one disposition data field. When construed consistent with the specification, it is clear that the step of displaying is performed using a general purpose computer, such as with a video display or a printer. Accordingly, any rejection of claim 15 under 35 U.S.C. 101 should be **REVERSED**.

Claim 16 includes the method of claim 11 wherein displaying at least one data field from the payment data table entry comprises displaying at least one deposit correction data field. When construed consistent with the specification, it is clear that the step of displaying is performed using a general purpose computer, such as with a video display or a printer. Accordingly, any rejection of claim 16 under 35 U.S.C. 101 should be **REVERSED**.

Claim 17 includes the method of claim 11 wherein displaying at least one data field from the payment data table entry comprises displaying at least one reversal data field. When construed consistent with the specification, it is clear that the step of displaying is performed using a general purpose computer, such as with a video display or a printer. Accordingly, any rejection of claim 17 under 35 U.S.C. 101 should be **REVERSED**.

2. Takayama fails to provide a prima facie basis for the rejection of claims 1-20 under 35 U.S.C. 103(a), because it fails to disclose each element of the claims.

The construction of the claims adopted by the Examiner is incorrect, and is used to improperly reject the claims. Claim construction is a question of law, and is reviewed *de novo*. *Markman v. Westview*, 52 F. 3d 967, 34 USPQ2d 1321 (Fed. Cir. 1995), *aff'd* 116 S.Ct. 1384 (1996). Although the claim constructions adopted by the Examiner might be implicit and not explicit, because they are reviewed *de novo*, remand to the Examiner is not required. During examination, claims should be given their broadest reasonable interpretation, which is their ordinary meaning. No deference is given to the claim constructions adopted by the Examiner. The Appellant requests that the Board pay careful attention to the claim construction issues raised below.

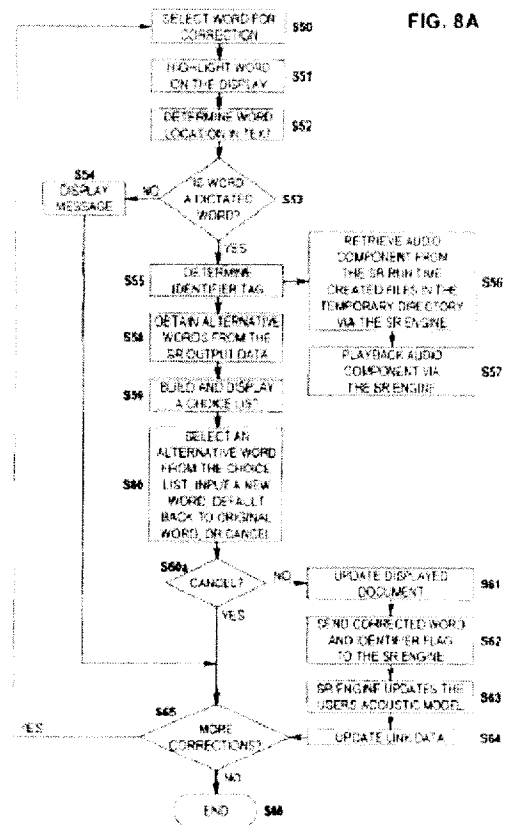
In regards to claims 1-5, 8, 9, 21 and 22, controlling Federal Circuit precedent that requires in “a means-plus-function claim in which the disclosed structure is a computer, or

microprocessor, programmed to carry out an algorithm, *the disclosed structure is not the general purpose computer, but rather the special purpose computer programmed to perform the disclosed algorithm.*” *WMS Gaming, Inc. v. Int’l Game Technology*, 184 F.3d 1339, 1349 (Fed. Cir. 1999). (Emphasis added.)

Further recent guidance from the Federal Circuit confirms that flowchart algorithms and other data structures are the proper structure for means plus function claims drawn to special purpose computers. In *Allvoice Computing v. Nuance Comm.*, 504 F.3d 1236, 1245 (Fed. Cir. 2007), flowchart algorithms such as those in Figures 9 and 10 of the pending application were held to provide sufficient structure for such means plus function limitations. Of particular relevance, data structures and flowchart algorithms reproduced in the Federal Circuit’s opinion are provided here for reference:

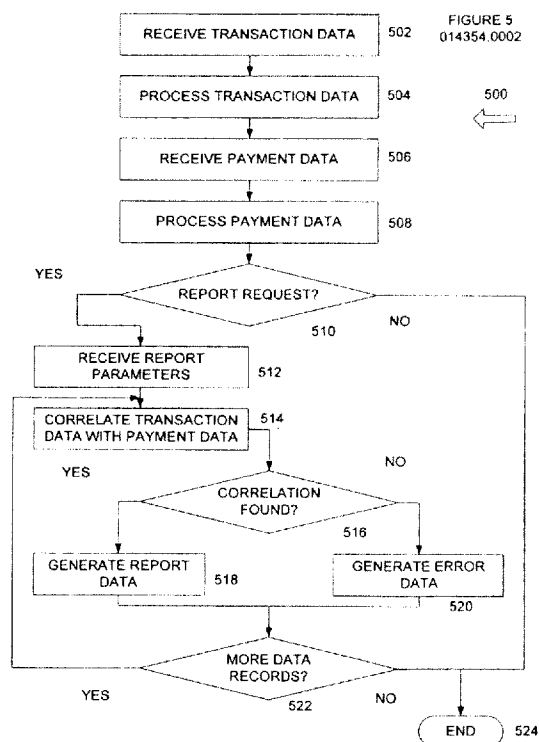
IDENTIFIER TAG	AUDIO START	AUDIO END	ALTERNATIVE WORDS AND SCORES
1	0	199	P1a W1a P1a W1a P1a W1c ...
2	199	324	P2a W2a P2a W2b P2a W2c ...
3	324	361	...
4	361	...	
5	...		
...			

FIG. 3



Exemplary data structures from page 17 and flow chart algorithms of Figure 5 of the pending application are reproduced below for convenience:

Order number data	User or industry defined data fields
Secure electronic commerce transaction data	User or industry defined data fields
Cardholder certificate data	User or industry defined data fields
Non-authenticated transaction data	User or industry defined data fields
Merchant certificate data	User or industry defined data fields
Channel encrypted transaction data	Indicates whether channel encryption used to transmit transaction data
Non-secure transaction status data	User or industry defined data fields
Other suitable electronic commerce transaction data	User or industry defined data fields

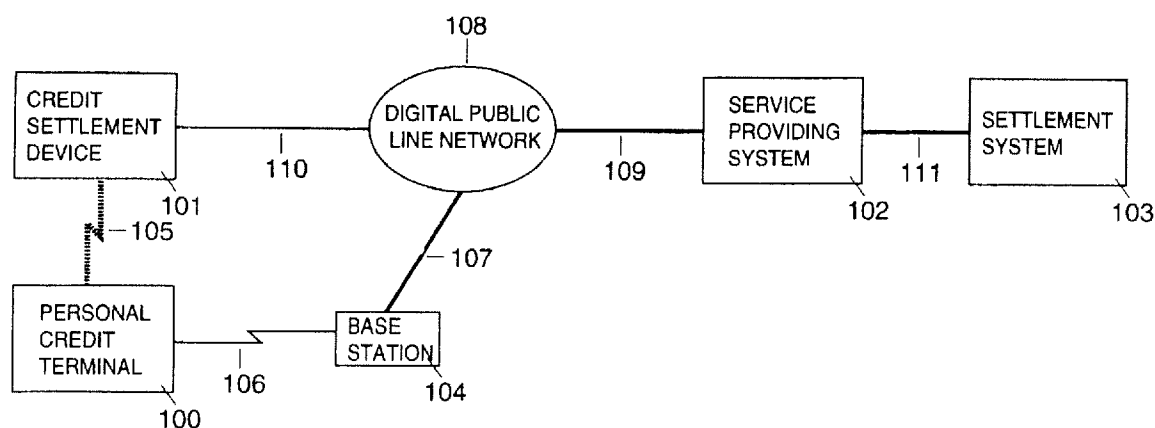


It is clear from comparing the data structures and flowchart algorithms from *Allvoice Computing* with the data structures and flowchart algorithms in the pending application that such data structures and flowchart algorithms provide the structure when means plus function limitations are invoked for software-implemented inventions. The Examiner has failed to identify any such corresponding structure in Johnson or any of the references, because there is no such structure. As such, the rejection of claims 1-5, 8, 9, 21 and 22, each of which incorporate means plus function limitations, is improper and must be **REVERSED**.

Furthermore, Takayama fails to provide a prima facie basis for the rejection of claims 1-5 and 8-22 under 35 U.S.C. 103(a), as it fails to disclose each element of the claimed invention. Consider claim 1, which includes a system for processing electronic payment transaction data comprising a front-end system to receive transaction data from one or more merchants, a back-end system to receive payment data from two or more payment systems, and means for correlating at least one data table entry in the transaction data with at least one data table entry in the payment data. The Examiner admits that Takayama fails to disclose means for correlating at least one data table entry in the transaction data with at least one data table entry in the payment data, and as such, it fails to disclose each element of the claims. By the Examiner's own admission, Takayama fails to provide a prima facie basis for the rejection of claim 1 under 35

U.S.C. 103(a).

The Examiner attempts to address this deficiency by arguing that it would have been obvious that the teachings of the Takayama system would have been able to perform the claimed function. However, as discussed above, the missing limitation is not simply correlating at least one data table entry in the transaction data with at least one data table entry in the payment data, but rather *means for* correlating at least one data table entry in the transaction data with at least one data table entry in the payment data. Thus, the Examiner's obviousness analysis is deficient and fails to provide a prima facie basis for the rejection of claim 1 under 35 U.S.C. 103(a) for that reason alone. However, even if the means plus function limitation of claim 1 is improperly construed to omit the corresponding structure, the Examiner's analysis still fails to show that Takayama renders the broader limitation obvious. Claim 1 includes a front-end system to receive transaction data from one or more merchants, a back-end system to receive payment data from *two or more* payment systems (emphasis added). In contrast, Takayama only discloses a single settlement system 103 in Figure 1:



The Examiner cites to a large amount of material in Takayama as allegedly disclosing these limitations, but there is no need for means for correlating at least one data table entry in the transaction data with at least one data table entry in the payment data, because there is a single settlement system, assuming that the Examiner is construing (improperly) the settlement system 103 to be the two or more payment systems. As described in the specification at page 12, line 13 to page 13, line 3, the claimed system is used for allowing merchants to obtain reports containing data from multiple payment systems, for a variety of reasons discussed in the specification. In contrast, Takayama discloses a system that pertains to an electronic settlement, transaction or clearing system that provides ensured protection for sales transactions, while further ensuring the

uncomplicated execution of such settlement or transactions. Takayama, col. 1, lines 10-14. Takayama is thus primarily focused on providing secure transaction processing, and does not provide for a front-end system to receive transaction data from one or more merchants, a back-end system to receive payment data from two or more payment systems, and means for correlating at least one data table entry in the transaction data with at least one data table entry in the payment data. Accordingly, the rejection of claim 1 should be **REVERSED**.

Claim 2 includes the system of claim 1 wherein the reporting system further comprises a data display system to display at least one data field from the transaction data table entry with at least one data field from the payment data table entry. As a preliminary matter, “the reporting system” should have been amended to recite “the means for correlating,” in the response to the Office action mailed March 13, 2008, to be consistent with the changes made to claim 1. No rejection under 35 U.S.C. 112 was applied by the Examiner, indicating that the Examiner understood “the reporting system” to refer to the “means for correlating,” and suitable amendment of the claims will be made following disposition on appeal. Applicants further note that the Board has within its discretion the ability to suggest claim amendments to overcome a rejection. See MPEP 1213.01. As such, if a rejection under 35 U.S.C. 112 is imposed by the Examiner in the Examiner’s Answer, or by the Board, the proposed amendment would resolve any problems under 35 U.S.C. 112. Substantively, Takayama fails to disclose a data display system to display at least one data field from the transaction data table entry with at least one data field from the payment data table entry. The Examiner again cites to large sections of Takayama as allegedly disclosing this limitation, but none of the cited sections disclose this limitation. Applicants note that Takayama does disclose a number of displays, such as Figs. 7, 8, 10, 11, 13 and 14, but it is clear from Takayama that these are displays for customers or the merchant. Consider Takayama at col. 52, lines 49-52, discussing display 11A: “First, *the person in charge for the merchant sets the credit settlement terminal 300* to the credit transaction mode using the mode switch 304, and the screen shown in FIG. 11A is displayed.” (Emphasis added). Claim 2 depends from claim 1, which as previously described is drawn to a system for processing electronic payment transaction data comprising a front-end system *to receive transaction data from one or more merchants*, a back-end system to receive payment data from two or more payment systems, and means for correlating at least one data table entry in the transaction data with at least one data table entry in the payment data. As such, the disclosure of

Takayama showing displays that are used by customers and merchants is simply unrelated to the claimed display of claim 2. Accordingly, the rejection of claim 2 should be **REVERSED**.

Claim 3 includes the system of claim 1 wherein the front-end system further comprises a transaction detail system to receive one or more of the group comprising rental pickup date, rental return data, rental agreement data, rental agreement value. The Examiner again cites to the same material relied on to reject claims 1 and 2, and it is also noted that the Examiner includes in the analysis material that was cancelled from claim 3 in the amendment filed March 13, 2008. Takayama simply does not disclose rental pickup date, rental return data, rental agreement data, rental agreement value, and in fact, the term “rental” is not used anywhere in Takayama. Takayama is utterly unrelated to the invention of claim 3, and fails to provide a prima facie basis for the rejection of claim 3 under 35 U.S.C. 103(a) because it fails to disclose each element of the claimed invention. Accordingly, the rejection of claim 3 should be **REVERSED**.

Claim 4 includes the system of claim 1 wherein the front-end system further comprises a fuel transaction system to receive one or more of the group comprising vehicle identification data, odometer data, driver data. The Examiner again cites to the same material relied on to reject claims 1-3, and it is also noted that the Examiner includes in the analysis material that was cancelled from claim 4 in the amendment filed March 13, 2008. Takayama simply does not disclose a fuel transaction system, and in fact, the terms “fuel,” “vehicle” and “odometer” are not used anywhere in Takayama. Takayama is utterly unrelated to the invention of claim 4, and fails to provide a prima facie basis for the rejection of claim 4 under 35 U.S.C. 103(a) because it fails to disclose each element of the claimed invention. Accordingly, the rejection of claim 4 should be **REVERSED**.

Claim 5 includes the system of claim 1 wherein the front-end system further comprises a restaurant transaction system to receive one or more of the group comprising tip data, employee number, food transaction identifier, and beverage transaction identifier. The Examiner again cites to the same material relied on to reject claims 1-4, and it is also noted that the Examiner includes in the analysis material that was cancelled from claim 5 in the amendment filed March 13, 2008. Takayama simply does not disclose a restaurant transaction system, and in fact, the terms “restaurant,” “tip” and “employee” are not used anywhere in Takayama. Takayama is utterly unrelated to the invention of claim 5, and fails to provide a prima facie basis for the rejection of claim 5 under 35 U.S.C. 103(a) because it fails to disclose each element of the

claimed invention. Accordingly, the rejection of claim 5 should be **REVERSED**.

It is noted that the Examiner has addressed claims 6 and 7, which were cancelled in the amendment filed March 13, 2008, and has failed to address new claims 21 and 22, which were added in that amendment. Applicant assumes that these claims were not allowed, and that rejections will be addressed in the Examiner's Answer, and will respond to any new grounds of rejection applied against those claims in response to the Examiner's Answer.

Claim 8 includes the system of claim 1 wherein the back-end system further comprises a deposit correction system to receive one or more of the group comprising processing date, batch identification, outlet identification, deposit correction notice, exception code number, merchant outlet number, transaction identification number, loaded date, control identification number. The Examiner again cites to the same material relied on to reject claims 1-5. Takayama simply does not disclose a deposit correction system, and in fact, the terms "deposit," "outlet" and "batch" are not used anywhere in Takayama. Takayama is utterly unrelated to the invention of claim 8, and fails to provide a prima facie basis for the rejection of claim 8 under 35 U.S.C. 103(a) because it fails to disclose each element of the claimed invention. Accordingly, the rejection of claim 8 should be **REVERSED**.

Claim 9 includes the system of claim 1 wherein the back-end system further comprises a reversal system to receive one or more of the group comprising case number, iteration number, sequence number, reversal date, chargeback amount field, chargeback date field, chargeback reason identification, acquirer reference number, original reference number, outlet identification, card brand, transaction date, and loading date. The Examiner again cites to the same material relied on to reject claims 1-5 and 8. Takayama simply does not disclose a reversal system, and in fact, the terms "reverse," "reversal" and "chargeback" are not used anywhere in Takayama. Takayama is utterly unrelated to the invention of claim 9, and fails to provide a prima facie basis for the rejection of claim 9 under 35 U.S.C. 103(a) because it fails to disclose each element of the claimed invention. Accordingly, the rejection of claim 9 should be **REVERSED**.

Claim 10 includes a method for presenting transaction data comprising receiving transaction data generated by one or more merchants, receiving payment data generated by two or more payment systems and correlating at least one data table entry in the transaction data with at least one data table entry in the payment data. The Examiner admits that Takayama fails to disclose the step of correlating at least one data table entry in the transaction data with at least

one data table entry in the payment data, which in itself is an admission that Takayama fails to disclose each element of claim 10 and fails to provide a basis for the rejection of claim 10 under 35 U.S.C. 103(a). However, addressing the Examiner's arguments that it would have been obvious that the Takayama system could perform the claimed step, as previously discussed, Takayama fails to disclose receiving payment data generated by two or more payment systems. The settlement system 103 of Takayama is a single system, assuming that the Examiner is asserting that settlement system 103 is a payment system. It is not, and Takayama simply fails to disclose anything relating to the claimed payment systems. The data table entry in the payment data includes payment data generated by two or more payment systems, and while Takayama discloses a number of various tables relating to customers, merchants, transaction processors and the like, it does not disclose a transaction table and a payment table. Takayama is utterly unrelated to the invention of claim 10, and fails to provide a prima facie basis for the rejection of claim 10 under 35 U.S.C. 103(a) because it fails to disclose each element of the claimed invention. Furthermore, as claim 10 is a method step, it must be shown that Takayama discloses the claimed method in the order required by the claims. *E-Pas s v. 3COM Corp.*, 473 F.3d 1213, 1222 (Fed. Cir. 2007) ("Substantively, because the language of most of the steps of its method claim refer to the completed results of the prior step, E-Pass must show that all of those steps were performed in order.") Accordingly, the rejection of claim 10 should be **REVERSED**.

Claim 11 includes the method of claim 10 further comprising displaying at least one data field from the transaction data table entry with at least one data field from the payment data table entry. The Examiner again cites to the same material relied on to reject the previous claims. Takayama simply does not disclose displaying at least one data field from the transaction data table entry with at least one data field from the payment data table entry, because there are no such data tables disclosed in Takayama. Takayama is utterly unrelated to the invention of claim 11, and fails to provide a prima facie basis for the rejection of claim 11 under 35 U.S.C. 103(a) because it fails to disclose each element of the claimed invention. Accordingly, the rejection of claim 11 should be **REVERSED**.

Claim 12 includes the method of claim 11 wherein displaying at least one data field from the transaction data table entry comprises displaying at least one transaction detail data field. The Examiner again cites to the same material relied on to reject the previous claims. Takayama simply does not disclose transaction detail data fields for the transaction data table, because there

is no such data table disclosed in Takayama. Takayama is utterly unrelated to the invention of claim 12, and fails to provide a prima facie basis for the rejection of claim 12 under 35 U.S.C. 103(a) because it fails to disclose each element of the claimed invention. Accordingly, the rejection of claim 12 should be **REVERSED**.

Claim 13 includes the method of claim 11 wherein displaying at least one data field from the transaction data table entry comprises displaying at least one fuel transaction data field. The Examiner again cites to the same material relied on to reject the previous claims. Takayama simply does not disclose fuel transaction data fields for the transaction data table, because there is no such data table disclosed in Takayama. Furthermore, the term “fuel” is not even used in Takayama. Takayama is utterly unrelated to the invention of claim 13, and fails to provide a prima facie basis for the rejection of claim 13 under 35 U.S.C. 103(a) because it fails to disclose each element of the claimed invention. Accordingly, the rejection of claim 13 should be **REVERSED**.

Claim 14 includes the method of claim 11 wherein displaying at least one data field from the payment data table entry comprises displaying at least one payment transactions data field. The Examiner again cites to the same material relied on to reject the previous claims. Takayama simply does not disclose payment transaction data fields for the payment data table, because there is no such data table disclosed in Takayama. Takayama is utterly unrelated to the invention of claim 14, and fails to provide a prima facie basis for the rejection of claim 14 under 35 U.S.C. 103(a) because it fails to disclose each element of the claimed invention. Accordingly, the rejection of claim 14 should be **REVERSED**.

Claim 15 includes the method of claim 11 wherein displaying at least one data field from the payment data table entry comprises displaying at least one disposition data field. The Examiner again cites to the same material relied on to reject the previous claims. Takayama simply does not disclose disposition data fields for the payment data table, because there is no such data table disclosed in Takayama. The term “disposition” is not even used in Takayama. Takayama is utterly unrelated to the invention of claim 15, and fails to provide a prima facie basis for the rejection of claim 15 under 35 U.S.C. 103(a) because it fails to disclose each element of the claimed invention. Accordingly, the rejection of claim 15 should be **REVERSED**.

Claim 16 includes the method of claim 11 wherein displaying at least one data field from

the payment data table entry comprises displaying at least one deposit correction data field. The Examiner again cites to the same material relied on to reject the previous claims. Takayama simply does not disclose deposit correction data fields for the payment data table, because there is no such data table disclosed in Takayama. The term “deposit” is not even used in Takayama. Takayama is utterly unrelated to the invention of claim 16, and fails to provide a prima facie basis for the rejection of claim 16 under 35 U.S.C. 103(a) because it fails to disclose each element of the claimed invention. Accordingly, the rejection of claim 16 should be **REVERSED**.

Claim 17 includes the method of claim 11 wherein displaying at least one data field from the payment data table entry comprises displaying at least one reversal data field. The Examiner again cites to the same material relied on to reject the previous claims. Takayama simply does not disclose reversal data fields for the payment data table, because there is no such data table disclosed in Takayama. The term “reversal” is not even used in Takayama. Takayama is utterly unrelated to the invention of claim 17, and fails to provide a prima facie basis for the rejection of claim 17 under 35 U.S.C. 103(a) because it fails to disclose each element of the claimed invention. Accordingly, the rejection of claim 17 should be **REVERSED**.

Claim 18 includes a system for reporting electronic payment transaction data comprising a transaction system that receives front-end transaction data from one or more merchant systems and payment data from one or more payment systems and a reporting system that correlates at least one data table entry in the transaction data with at least one data table entry in the payment data. The Examiner again cites to the same material relied on to reject the previous claims. Takayama does disclose the terms “payment” and “transaction,” but that is simply not enough to anticipate claim 18. The transaction system of claim 18 receives front end transaction data from one or more merchant systems, and payment data from one or more payment systems. As used in Takayama, the customer tenders payment for each transaction to the merchant, which is then supplied to a settlement system 103, such that the “transaction” data of Takayama includes and is already correlated with the “payment” data. In contrast, claim 18 uses different terms to indicate different sources for each type of data, The use of different terms in the claims requires that they connote different meanings. *CAE Screenplates Inc. v. Heinrich Fiedler GmbH & Co. KG*, 224 F.3d 1308, 1317 (Fed. Cir. 2000) (“In the absence of any evidence to the contrary, we must presume that the use of these different terms in the claims connotes different meanings.”);

Applied Med. Res. Corp. v. U.S. Surgical Corp., 448 F.3d 1324, 1333 n.3 (Fed. Cir. 2006) (“[T]he use of two terms in a claim requires that they connote different meanings. . . .”). Takayama is utterly unrelated to the invention of claim 18, and fails to provide a prima facie basis for the rejection of claim 18 under 35 U.S.C. 103(a) because it fails to disclose each element of the claimed invention. Accordingly, the rejection of claim 18 should be **REVERSED**.

Claim 19 includes the system of claim 1 wherein the front-end system receiving the transaction data from the one or more merchants comprises a front end credit card transaction processing system performing credit card transaction processing prior to submission of credit card transactions to a credit card account holder for payment. The Examiner again cites to the same material relied on to reject the previous claims. Takayama simply does not disclose performing credit card transaction processing *prior to submission of credit card transactions to a credit card account holder for payment*. As previously discussed, the term “payment” in Takayama is used to refer to the credit card data that is provided by the customer prior to credit card transaction processing, whereas the use of “payment” in claim 19 refers to payment that is made by the credit card account holder after credit card transaction processing. A credit card is just that – a card used to provide “credit.” No payment is made until the credit card account holder actually provides payment. Takayama uses the term “payment” when it is referring to “credit,” and is utterly unrelated to the invention of claim 19, which concerns payment that is made after credit card transaction processing. Takayama fails to provide a prima facie basis for the rejection of claim 19 under 35 U.S.C. 103(a) because it fails to disclose each element of the claimed invention. Accordingly, the rejection of claim 19 should be **REVERSED**.

Claim 20 includes the system of claim 19 wherein the back-end system receiving the payment data from the one or more payment systems comprises a back-end credit card transaction processing system performing credit card transaction processing after submission of credit card transactions to a credit card account holder for payment. The Examiner again cites to the same material relied on to reject the previous claims. Takayama simply does not disclose a back-end credit card transaction processing system performing credit card transaction processing *after submission of credit card transactions to a credit card account holder for payment*. As previously discussed, the term “payment” in Takayama is used to refer to the credit card data that is provided by the customer prior to credit card transaction processing, whereas the use of

“payment” in claim 20 refers to payment that is made by the credit card account holder after credit card transaction processing. A credit card is just that – a card used to provide “credit.” No payment is made until the credit card account holder actually provides payment. Takayama uses the term “payment” when it is referring to “credit,” and is utterly unrelated to the invention of claim 20, which concerns payment that is made after credit card transaction processing. Takayama fails to provide a prima facie basis for the rejection of claim 20 under 35 U.S.C. 103(a) because it fails to disclose each element of the claimed invention. Accordingly, the rejection of claim 20 should be **REVERSED**.

Claim 21 includes the system of claim 1 further comprising means for receiving a report request. Claim 22 includes the system of claim 1 further comprising means for generating transaction detail data. As previously noted, the Examiner did not address these claims in the Office action mailed October 2, 2008, meaning either that the claims are considered to be allowable, or that the Examiner failed to examine all pending claims. The latter is presumed, and any new grounds of rejection will be addressed in reply to the Examiner’s Answer, although an indication by the Examiner that claims 21 and 22 are allowable would be welcomed by the Applicants.

VIII. APPENDIX OF CLAIMS (37 C.F.R. § 41.37(c)(8))

The text of the claims involved in the appeal are as follows:

1. A system for processing electronic payment transaction data comprising:
a front-end system to receive transaction data from one or more merchants;
a back-end system to receive payment data from two or more payment systems; and
means for correlating at least one data table entry in the transaction data with at least one data table entry in the payment data.
2. The system of claim 1 wherein the reporting system further comprises a data display system to display at least one data field from the transaction data table entry with at least one data field from the payment data table entry.
3. The system of claim 1 wherein the front-end system further comprises a transaction detail system to receive one or more of the group comprising rental pickup date, rental return data, rental agreement data, rental agreement value.
4. The system of claim 1 wherein the front-end system further comprises a fuel transaction system to receive one or more of the group comprising vehicle identification data, odometer data, driver data.
5. The system of claim 1 wherein the front-end system further comprises a restaurant transaction system to receive one or more of the group comprising tip data, employee number, food transaction identifier, and beverage transaction identifier.
8. The system of claim 1 wherein the back-end system further comprises a deposit correction system to receive one or more of the group comprising processing date, batch identification, outlet identification, deposit correction notice, exception code number, merchant outlet number, transaction identification number, loaded date, control identification number.
9. The system of claim 1 wherein the back-end system further comprises a reversal

system to receive one or more of the group comprising case number, iteration number, sequence number, reversal date, chargeback amount field, chargeback date field, chargeback reason identification, acquirer reference number, original reference number, outlet identification, card brand, transaction date, and loading date.

10. A method for presenting transaction data comprising:
receiving transaction data generated by one or more merchants;
receiving payment data generated by two or more payment systems; and
correlating at least one data table entry in the transaction data with at least one data table entry in the payment data.

11. The method of claim 10 further comprising displaying at least one data field from the transaction data table entry with at least one data field from the payment data table entry.

12. The method of claim 11 wherein displaying at least one data field from the transaction data table entry comprises displaying at least one transaction detail data field.

13. The method of claim 11 wherein displaying at least one data field from the transaction data table entry comprises displaying at least one fuel transaction data field.

14. The method of claim 11 wherein displaying at least one data field from the payment data table entry comprises displaying at least one payment transactions data field.

15. The method of claim 11 wherein displaying at least one data field from the payment data table entry comprises displaying at least one disposition data field.

16. The method of claim 11 wherein displaying at least one data field from the payment data table entry comprises displaying at least one deposit correction data field.

17. The method of claim 11 wherein displaying at least one data field from the payment data table entry comprises displaying at least one reversal data field.

18. A system for reporting electronic payment transaction data comprising:
a transaction system that receives front-end transaction data from one or more merchant systems and payment data from one or more payment systems; and
a reporting system that correlates at least one data table entry in the transaction data with at least one data table entry in the payment data.

19. The system of claim 1 wherein the front-end system receiving the transaction data from the one or more merchants comprises a front end credit card transaction processing system performing credit card transaction processing prior to submission of credit card transactions to a credit card account holder for payment.

20. The system of claim 19 wherein the back-end system receiving the payment data from the one or more payment systems comprises a back-end credit card transaction processing system performing credit card transaction processing after submission of credit card transactions to a credit card account holder for payment.

21. The system of claim 1 further comprising means for receiving a report request.

22. The system of claim 1 further comprising means for generating transaction detail data.

IX. EVIDENCE APPENDIX (37 C.F.R. 41.37(c)(9))

None.

X. RELATED PROCEEDINGS APPENDIX (37 C.F.R. 41.37(c)(10))

None.

If any applicable fee or refund has been overlooked, the Commissioner is hereby authorized to charge any fee or credit any refund to the Deposit Account of Jackson Walker L.L.P., No. 10-0096.

Respectfully submitted,

By: 

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Registration No. 39,348

Date: March 2, 2009

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